

**Rules of**  
**Department of Economic**  
**Development**  
**Division 210–State Board of Optometry**  
**Chapter 1–Organization and Description of Board**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 1—Organization and  
Description of Board**

**4 CSR 210-1.010 General Organization**

*PURPOSE: This rule describes the board's operation and the methods and procedures where the public may obtain information or make submissions or requests.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.*

(1) Whenever used in 4 CSR 210, the word board means the State Board of Optometry.

(2) The State Board of Optometry is a unit of the Division of Professional Registration, Department of Economic Development.

(3) The board was created by an Act of the 51st General Assembly in 1921.

(4) The board consists of five (5) licensed doctors of optometry and one (1) public member. The governor appoints the members of the board, with the advice and consent of the senate, from nominees submitted by the director of the Department of Economic Development. The terms of the licensed doctors are five (5) years and the term of the public member is four (4) years.

(5) The board is authorized by section 336.160, RSMo (1986) to adopt rules for the application and enforcement of Chapter 336, RSMo.

(6) The board has superintending control over the practice of optometry within this state. The board's primary duties consist of—

- (A) Examining and licensing of applicants;
- (B) Approving colleges of optometry;
- (C) Accrediting continuing education programs for annual license renewal; and
- (D) Suspending or revoking licenses of any doctor found guilty of violating the prohibitions of Chapter 336, RSMo.

(7) The board shall have at least two (2) regularly scheduled meetings each year and such

other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the board's executive director, P.O. Box 672, Jefferson City, MO 65102-0672.

(8) Unless otherwise provided by statute or regulation, regular and special meetings of the board shall be governed by *Robert's Rules of Order*.

(9) The public may obtain information from the board or make submissions or requests to the board by writing the State Board of Optometry, P.O. Box 672, Jefferson City, MO 65102-0672.

(10) Public notice shall be given by the board's executive secretary at least thirty (30) days prior to the meetings and examinations.

*AUTHORITY: sections 336.130.4. and 536.023.3., RSMo (1994).\* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 13, 1995, effective March 30, 1996.*

*\*Original authority: 336.130.4., RSMo (1939), amended 1949, 1981 and 536.023.3., RSMo (1975), amended 1976.*

*Bresler v. Tietjen, 424 SW2d 65 (Mo. banc 1968). Sale of eyeglasses, whether or not on prescription, does not constitute the practice of optometry.*

*Section 336.110, RSMo allowing the board to determine who or what constitutes "procurers to obtain business" is not an unlawful delegation of legislative authority nor is it vague or indefinite.*

*Declaratory judgment is an appropriate action for determining the validity of administrative rules. Under guise of rulemaking power, the board cannot enlarge upon the scope and terms of statute, and it cannot by rule constitute certain conduct a violation of statute, which, in absence of rule, could not reasonably be so construed.*

*When acting within its rulemaking authority, the board's judgment should be disturbed only if the rule is unreasonable.*

*Ketring v. Sturges, 372, SW2d 104 (Mo. 1963). Statutory provision granting power to "adopt reasonable rules and regulations" and "to do all other things necessary" is neither vague and indefinite nor an unlawful delegation of legislative power in violation of Art. IV, section 1 of the Missouri Constitution.*

*Where the legislature has established a sufficiently definite policy, standard or rule, it may, without violating rule prohibiting dele-*

*gation of legislative power, authorize administrative officer or body to adopt and enforce rules, or orders relating to administration or enforcement of law, to carry out the purpose of the legislature.*

*Op. Atty. Gen. No. 10, Bockhorst, 10-4-54. A naturopath not licensed as a physician or surgeon in this state is not authorized under section 336.120(1), RSMo (1949) to practice optometry without a certificate of registration from the State Board of Optometry.*

*Op. Atty. Gen. No. 68, Mo. State Board of Optometry, 4-19-54. It is unlawful for an osteopath to advertise as a "registered optometrist" when not duly licensed by the State Board of Optometry to practice optometry in this state.*

**4 CSR 210-1.020 Board Member Compensation**

*PURPOSE: This rule fixes the compensation for the members of the State Board of Optometry in compliance with the mandates of section 336.140, RSMo (1986).*

(1) Each member of the State Board of Optometry whose term of office began before September 28, 1981 shall receive the sum of twenty-five dollars (\$25) as compensation for each day that member devotes to the affairs of the board.

(2) Each member of the State Board of Optometry whose term of office begins on or after September 28, 1981 shall receive the sum of fifty dollars (\$50) as compensation for each day that member devotes to the affairs of the board.

(3) In addition to the compensation fixed in this rule, each member is entitled to reimbursement of his/her expenses necessarily incurred in the discharge of his/her official duties.

(4) No request for compensation provided shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

*AUTHORITY: sections 336.140 and 336.160, RSMo (1986). Emergency rule filed Sept. 17, 1981, effective Sept. 28, 1981, expired Dec. 28, 1981. Original rule filed Sept. 17, 1981, effective Jan. 14, 1982.*